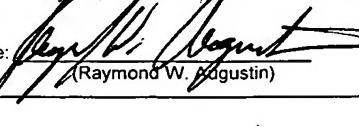


DEC 23 2004

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BOX AF

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 20, 2004 Signature: 
(Raymond W. Agustin)

EXPEDITED PROCEDURE

Group Art Unit: 3738

Docket No.: SPINE 3.0-2144 DIV II

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Lance Middleton

::

:

:

Application No.: 10/672,327

:: Group Art Unit: 3738

:

Filed: September 26, 2003

:: Examiner: B. E. Snow

:

For: ARTIFICIAL INTERVERTEBRAL DISC

:

AMENDMENT UNDER 37 CFR 1.116

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated October 13, 2004, finally rejecting claims 1-15, and 17-21, please amend the above-identified U.S. patent application as follows:



AF
JFW

AMENDMENT TRANSMITTAL LETTER

After Final Rejection

Application No. 10/672,327	Filing Date September 26, 2003	Examiner B. E. Snow	Group Art Unit 3738
Applicant(s): Lance Middleton		Docket No. SPINE 3.0-2144 DIV II	

Invention: ARTIFICIAL INTERVERTEBRAL DISC

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	20	- 21 =		x	
Independent Claims	4	- 4 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					

Large Entity

Small Entity

No additional fee is required for this amendment.

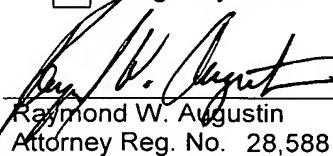
Please charge Deposit Account No. 12-1095 in the amount of .
A duplicate copy of this sheet is enclosed.

A check in the amount of \$ to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge and credit Deposit Account No. 12-1095
as described below. A duplicate copy of this sheet is enclosed.

Credit any overpayment.

Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.


Raymond W. Augustin
Attorney Reg. No. 28,588

Dated: December 20, 2004

LERNER, DAVID, LITTBENBERG, KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 518-6318

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Dated: December 20, 2004

Signature: 

Raymond W. Augustin